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*Attorneys for Movants Martin Lewis and Aaron Cooper*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

MONTE RUSSELL, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

WELLS FARGO & CO.,

Defendant.

Case No. 07-3993 CW

**DECLARATION OF JAHAN C. SAGAFI  
IN SUPPORT OF ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
CASES SHOULD BE RELATED  
PURSUANT TO LOCAL RULE 3-12**

The Honorable Claudia Wilken

MARTIN LEWIS and AARON COOPER,  
on behalf of themselves and a class of  
those similarly situated,

Plaintiffs,

v.

WELLS FARGO & CO.,

Defendant.

Case No. 08-2670 JCS

1 I, Jahan C. Sagafi, declare as follows:

2 1. I am a partner with the law firm of Lieff, Cabraser, Heimann & Bernstein,  
3 LLP in San Francisco, California and am admitted to practice before this Court. I am counsel for  
4 Movants Martin Lewis and Aaron Cooper ("Movants"), who are plaintiffs in *Lewis v. Wells*  
5 *Fargo & Co.*, Case No. 08-2670 JCS (N.D. Cal.) ("*Lewis*"). I submit this Declaration in support  
6 of Movant's Administrative Motion to Consider Whether Cases Should be Related.

7 2. On August 6, 2007, Plaintiff Monte Russell filed a complaint in the  
8 Northern District of California alleging that Wells Fargo has misclassified several hundred  
9 technical support workers, including those with the title of PC/LAN Engineers, as exempt from  
10 the overtime pay requirements of the Fair Labor Standards Act ("FLSA"). This case is styled  
11 *Russell v. Wells Fargo & Co.*, Case No. 07-3993 CW (N.D. Cal.) ("*Russell*").

12 3. On May 28, 2008, Movants filed the *Lewis* complaint in the Northern  
13 District of California alleging that Wells Fargo has misclassified several hundred technical  
14 support workers, excluding those with the title of PC/LAN Engineers, as exempt from the  
15 overtime pay requirements of the FLSA. Movants are in the process of serving Wells Fargo with  
16 the complaint, summons, and accompanying documents.

17 4. *Russell* is the lowest numbered complaint in the Northern District of  
18 California making allegations of this nature of which Movants are aware.

19 5. Civil Local Rule 3-12 requires that an Administrative Motion to Consider  
20 Whether Cases Should be Related be promptly filed. Accordingly, and as Wells Fargo is in the  
21 process of being served with the *Lewis* complaint, a stipulation could not be obtained prior to  
22 filing Movants' Administrative Motion.

23 I declare under penalty of perjury under the laws of the United States that the  
24 foregoing is true and correct. Executed this 29th day of May, 2008 at New York, New York.

25 /s/ Jahan C. Sagafi  
26 Jahan C. Sagafi